



3. Resource Protection



3. Resource Protection

Introduction

This section discusses and presents goals, policies and recommended actions for protecting and providing protective buffers for wetland sites in the study area.

As a result of field work conducted primarily in 1988-89 and 1993, approximately 1,500 acres of jurisdictional wetlands were identified within the study area. Through a process which involved a series of public workshops, a technical advisory committee of state and federal agency representatives, and staff evaluation of alternatives, the Wetland Designations Map (Map 3) was developed which calls for protecting the majority of wetlands, and allowing development to occur on the remaining lower quality wetlands. The Wetland Designations Map (Map 3) depicts wetlands that are designated for development, protection, and mitigation.

Wetlands are designated for protection due to their high natural resource value (colored green on Map 3) or due to their value as enhancement sites for mitigation credit (colored yellow on Map 3). See Chapter 4 of this Plan for a detailed discussion of mitigation policies.

Policy 3.17 contains the criteria used to identify sites suitable for and deserving of protection. The development of these criteria included consideration of state and federal wetland laws and policies, citizen input received through workshops and questionnaires, comments from wetland regulatory agency staff, and the results of the field work conducted by Esther Lev in 1988 and by Scientific Resources Inc. (SRI), in 1989. Not all of the criteria in the list referred to above had to be met in order to assign a protection designation.

The primary thrust of these designations is to seek acquisition of the wetlands identified for protection including those designated for restoration. Following acquisition, land use controls will be applied to restrict uses and protect those sites in perpetuity. Protection measures developed as part of the concurrent Eugene-Springfield Metropolitan Area Natural Resources Special Study were recommended as long-term protection measures. These protection measures are included in Appendix A of this Plan.

Prior to acquisition of protected wetland sites, potential development on those sites would be subject to Planned Unit Development, Site Review procedures or other land use regulations, as well as state and federal wetland permit processes.

The Conceptual Plan (Map 4) reflects the ultimate wetland system when fully protected and restored. It is conceptual



in nature and will be refined over time as more information is gathered about restoration sites, public facility design (see Chapter 6, Financing), and habitat suitability.

Goals, Policies, Recommended Actions

The following section contains goals, policies, and recommended actions for those goals and policies for the study area. These apply to the wetlands specified for

protection on the Wetland Designations Map (Map 3).

Goals

- 3.1 Protect and enhance water quality, wildlife habitat, flood storage, sediment and toxicant removal and other wetland functions and values.
- 3.2 Minimize economic hardship on private property owners due to protection of wetlands and other valuable environmental resources.
- 3.3 Minimize adverse impacts to protected wetlands from adjacent development.
- 3.4 Protect high quality examples of each important type of wetland plant community currently existing in west Eugene: native Willamette prairie grassland, ash forest, cattail marsh, shrub/scrub, and open water.
- 3.5 Protect and expand current populations and habitats of rare plants and animals that currently exist in west Eugene.
- 3.6 Achieve state and federal requirement of “no net loss” of wetlands in both quantity (area) and quality (functions and values).
- 3.7 Protect an interconnected system of wetlands within a sustainable, ecologically sound system, with a high likelihood of long-term survival.
- 3.8 Allow for multiple uses of protected wetlands, while ensuring that functions and values are maintained or enhanced.

Policies

- 3.1 Seek acquisition of protected wetland sites by federal, state, and local public agencies and private, nonprofit conservation organizations.
- 3.2 Apply interim protection measures to wetland sites identified for protection through existing local land use controls, until sites are purchased for conservation and protection.
- 3.3 Develop and adopt ordinances to protect wetlands and waterways.
- 3.4 Amend existing policies that conflict with protection of regulated wetland functions and values to make them consistent with WEWP goals and policies.
- 3.5 Along with Lane County and the State of Oregon, protect wetlands on public lands in the west Eugene wetlands study area and restore wetlands on public lands consistent with Wetland Designations Map (Map 3).
- 3.6 Coordinate development and adoption of protective ordinances with Lane County for sites outside the city limits and within the Urban Growth Boundary.
- 3.7 Ensure that any private or public party can continue to seek individual state or federal wetland permits for any proposed development.
- 3.8 Establish, maintain and protect physical and hydrologic linkages between protected wetlands and adjacent transitional and upland wildlife habitat and natural areas.
- 3.9 Protect and enhance the quality, functions, and values of natural and human-made waterways that are interconnected with wetlands.
- 3.10 Include provisions for protection of rare plants in ordinances developed and applied to wetlands identified for protection on Map 3.
- 3.11 Restrict public access in natural research areas, rare plant sites and specified wildlife nesting and resting areas.
- 3.12 Protect and create buffer areas between regulated wetland boundaries and adjacent uses or developments.
- 3.13 Promote multiple uses of protected wetlands to meet community, environmental and human needs:
 - (a) provide public access for all people where other wetland functions and values are not compromised;
 - (b) coordinate wetland protection, enhancement and restoration with regional water quality improvement needs; and
 - (c) utilize current and restored wetlands for flood storage and control.
- 3.14 Implement wetland protection policies that prohibit development on wetlands designated for protection after those wetlands are acquired by a public agency or nonprofit organization (e.g., The Nature Conservancy).
- 3.15 The Waterside Protection setback proposed in the Natural Resources Special Study shall be applied to streams designated to be protected in this plan as identified on Map 3, Wetland Designations.
- 3.16 The City recognizes that habitat management considerations, purchase negotiations, site characteristics and unforeseen opportunities may cause acquisition area boundaries to differ from the protected wetland boundaries shown on Map 3 of the adopted Plan.
- 3.17 The following standards and criteria shall be used to designate newly identified wetland sites or portions of sites (i.e., undesignated wetlands within the West Eugene Wetlands Plan boundaries) for protection, development or restoration on the Wetlands Designation Map (Map 3) of the West Eugene Wetlands Plan. These standards and criteria provide the framework for maintaining a balance within the plan area between environmental protection and sound urban development, consistent with state and federal wetland law.

For each site or portion of a site, designations shall be based upon either 1) finding that the site meets at least one of the standards, or 2) a thorough consideration of how all the criteria apply to the site. A wetland site need not meet all of the criteria for a given designation in order to be given that designation. The restoration designation shall be used to identify sites considered important primarily for their location and function in the larger wetland system, and the restoration criteria shall be applied when a site does not clearly meet either the protection or development standards or the protection or development criteria as a whole.

Protection

Standard

1. Sites designated “Natural Resource” on the Metropolitan Area General Plan diagram shall be designated for protection.

Criteria

1. Site contains population(s) of one or more rare plant or animal species and contains sufficient and suitable habitat for the long-term protection of the population(s). This criterion is not met if only small occurrences of a rare plant species are found on a site with limited suitable habitat that is isolated from other undeveloped parcels.
2. Site is primarily within the 100 year floodplain.
3. Site is within 100 feet of a waterway (stream)

designated for protection on Map 3 of the West Eugene Wetlands Plan.

4. Site has a direct perennial or intermittent surface water connection to a wetland designated for protection on Map 3 of the West Eugene Wetlands Plan.
5. Site contains a high diversity of wildlife habitat or contributes to the diversity of wildlife habitat within the region.
6. Site has unique characteristics which make it of special importance to the functioning of the larger wetland system in West Eugene, and protection of site would further the goals and objectives of the West Eugene Wetlands Plan.
7. Presence of unique Willamette Prairie Grassland plant community. Site contains indigenous wet prairie habitat. This criterion is intended to apply to areas of wet prairie habitat that are large or of moderate to high quality.

Development

Standard

1. The site shall be designated for development if, at the time of designation of the site in the West Eugene Wetlands Plan, it has a valid, approved wetland impact permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

Criteria

1. Site is relatively isolated or disconnected from the larger system of wetlands and waterways.
2. Site is served by existing streets, roads, sanitary sewers and municipal water.
3. Site is adjacent to or surrounded by existing development.
4. Site has frontage on a major highway or street.
5. Site has unique characteristics which make it of special importance to the economic development of West Eugene, and allowing development of site would further the goals and objectives of the West Eugene Wetlands Plan.
6. Site characteristics, including size, location and surrounding uses and activities are such that there exists a high probability that the site cannot be protected in perpetuity through the West Eugene Wetlands Program.

Restoration

Standard

1. Any site or portion of a site that is providing compensatory wetland mitigation as part of an approved state or federal wetland fill permit shall be designated for restoration.

Criteria

1. Site contains hydric soils.
2. Site is either a disturbed agricultural wetland or previously exhibited wetland characteristics.

3. Site is capable of providing adequate wetland hydrology.
4. Site does not currently benefit from municipal infrastructure and urban services.
5. Site is either larger than 15 acres or is contiguous with a waterway (stream) designated for protection on the Wetland Designations Map (Map 3) of the West Eugene Wetlands Plan.

3.18 Apply the criteria in Policy 3.17 to any newly delineated wetlands to determine their protection/development/restoration status.

3.19 Designations are intended to apply only to jurisdictional wetlands as determined by the Oregon Division of State Lands and the U.S. Army Corps of Engineers. Wetland Designations Map (Map 3) shows adopted designations for wetlands within the plan area, but does not necessarily depict the most current or accurate wetland boundaries. The West Eugene Wetland Conservation Plan Inventory (WCPI) Map should be used to determine existing mapped wetland boundaries. Mapping of wetland boundaries shall be revised through periodic updates to the WCPI map, which can occur without amending this plan, by administrative order of the City Manager. Following a revision in the WCPI map, designations shall apply only to the previously designated area which remains a jurisdictional wetland on the revised WCPI map. Newly-determined wetlands on the revised WCPI map shall remain undesignated until this Plan is amended to specifically designate those new wetland areas.

3.20 Local governments shall not issue grading or building permits within areas mapped as jurisdictional wetland in the West Eugene Wetlands Plan area unless the applicant has an approved state/federal wetland fill permit for the proposed project.

3.21 Future fill or removal within the “utility corridors” as designated on the Wetland Designation Map (Map 3) shall be conducted with an applicable U.S. Army Corps of Engineers (Army Corps) and/or Division of State Lands dredge and fill permit(s), and shall be limited to the minimum impacts necessary to:

- 1) conduct emergency repairs to existing utility lines,
- 2) conduct essential maintenance (e.g., work to maintain or optimize performance) on existing utility lines, including line locating,
- 3) construct connections to existing utility lines,
- 4) construct new utility lines,
- 5) move existing utility lines when necessary to maintain service or conduct emergency repairs, and when at least one of the following is true:
 - a) the utility line must be moved to protect it

from erosion or some other natural threat;
 b) construction of public facilities that are consistent with this plan and that conflict with an existing utility line, where such public facilities cannot reasonably be constructed without moving the utility line; or
 c) the utility line must be moved in order to maintain or repair another utility line in the same vicinity.

- 6) place new utility poles or replace existing utility poles, only when necessary to maintain performance or safety of above-ground utility lines. Above ground utility lines may not be replaced with underground utility lines within wetlands designated for restoration or protection.

No other impacts are authorized by this policy. The following shall also apply to these corridors:

a. The corridors for underground utility lines shall be 20 feet wide for excavations or pipes up to 10 feet below ground surface (bgs), 30 feet wide for excavations or pipes from 10 to 15 feet bgs, and 40 feet wide for excavations or pipes deeper than 15 feet bgs. Where two utility lines are close to each other, the corridors for the lines may overlap, but impacts for work on one line are allowed only within the corridor width for that line, not the combined width of both lines.

b. The corridors for above ground utility lines shall be 10 feet wide for single pole structures and 20 feet wide for double pole ("H-style") structures.

c. The utility corridors shall be centered on an existing utility line, extending an equal distance (half the allowed width) on both sides, except for corridors for new utility lines, which shall be located as specified in subsection d below.

d. Construction of new utility lines and new connections to existing utility lines within wetlands designated for protection shall require an amendment of this plan to change the designation from "protect" to "utility line corridor." Such amendments will only be allowed where it is demonstrated that:

- 1) an alternatives analysis has concluded that locating the new utility line within a protected wetland is the best alternative. The alternatives analysis shall compare alternatives that are completely outside of protected wetlands and compare them to any alternatives that impact protected wetlands. The alternatives shall be evaluated by weighing engineering requirements and total environmental impacts including impacts to rare species and their habitat, and to wetlands designated in the Plan for restoration or protection.

- 2) the new construction cannot reasonably be constructed completely outside of wetlands designated for protection as demonstrated in the above referenced alternatives analysis;
- 3) the utility lines are located so as to reduce the impact to wetlands designated for protection as much as possible, and in no case shall a cumulative area greater than 1 acre be re-designated from "protection" to "utility corridor" for a new utility line;
- 4) unavoidable impacts will be mitigated through restoration of the project's entire impact area;
- 5) there are no impacts to wetlands from new utility lines installed within the Willow Creek Natural Area; and
- 6) impacts to rare plant and animal species will not occur.

e. Other than the activities described in this policy, these corridors shall be treated as protected wetlands. Allowed activities shall be conducted in such a manner as to minimize adverse impacts to the maximum extent possible upon the wetlands within the corridor itself and within surrounding protected wetlands. Wetland impacts shall be limited to the minimum area necessary. Utility agencies shall use the best feasible technology to pinpoint the location of needed repairs prior to excavation in order to limit the area of impact.

f. Except for emergency repairs, these activities shall be planned and timed to minimize adverse impacts to wetlands.

g. All impacts shall be followed by restoration activities including:

- 1) backfilling with existing native soil within three feet of the surface whenever possible, and in no case less than two feet; and
- 2) grading and re-seeding and/or replanting with appropriate native plant species.

h. Any unavoidable impacts to rare plant species shall be mitigated through coordinated transplanting or other measures.

3.22 Future fill within the Planned Transportation Corridors as shown on Wetland Designations Map (Map 3) shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. New roadway construction shall be limited to those projects listed in TransPlan as of August 10, 1992, excluding those projects listed in Appendix B; no other new roads or streets are permitted. Road widening and other improvements to existing roads or streets shall be limited to those

listed in TransPlan (1992) or in an adopted capital improvement plan (CIP) as of June 30, 1998. Road widening and other improvements to existing roads or streets within wetlands designated for protection or restoration shall require an amendment of this plan to change the designation to “Planned Transportation Corridor” if the project is not listed in TransPlan (1992) or in an adopted CIP as of June 30, 1998. In no case shall more than 1 acre (cumulative) of protected wetland be re-designated to Planned Transportation Corridor for improvements to an existing road or street.

- 3.23 The plant and animal species listed below shall be considered rare for the purposes and policies of this Plan:

Rare Plants:

| | |
|---------------------|--|
| white-topped aster | <i>Aster curtus</i> |
| Willamette daisy | <i>Erigeron decumbens</i> var. <i>decumbens</i> |
| shaggy horkelia | <i>Horkelia congesta</i> |
| Bradshaw’s lomatium | <i>Lomatium bradshawii</i> |
| timwort | <i>Cicendia quadrangularis</i> |

Rare Animals:

| | |
|--------------------------|--|
| northwestern pond turtle | <i>Clemmys marmorata</i> <i>marmorata</i> |
| Fender’s blue butterfly | <i>Icaricia icarioides fenderi</i> |

- 3.24 The plant and animal species listed below are not officially considered rare, but shall be considered for addition to the list of rare species if they are confirmed to be present within the West Eugene Wetlands Plan area:

Plant Watch List:

| | |
|-----------------|------------------------|
| retorse sedge | <i>Carex retrorsa</i> |
| Howell’s montia | <i>Montia howellii</i> |
| toothcup | <i>Rotala ramosior</i> |

Animal Watch List:

| | |
|--------------------------------|---|
| Taylor’s checkerspot butterfly | <i>Euphydryas editha taylori</i> |
| Pacific western big-eared bat | <i>Corynorhinus townsendii townsendii</i> |

- 3.25 The West Eugene Wetland Program partners shall develop a strategy for conservation of rare plant habitat in the Plan area.
- 3.26 Pursue interim protection of sites which contain rare species, but do not meet the criteria for protection in Policy 3.17 through conservation easements or other measures until either (1) the affected species are delisted or (2) conservation agreements are reached between the property owner and affected natural resources agencies to address the rare species populations.

- 3.27 Constructed roadside ditches which may exhibit wetland characteristics are not mapped or addressed by this plan.
- 3.28 The West Eugene Wetland Program partners shall continue to pursue and support the use of degraded wetlands designated for development for on-site stormwater treatment.
- 3.29 In cooperation with the property owner, the City shall pursue restoration of the current Eugene speedway site to provide a continuous corridor of protected habitat along Willow Creek.

Recommended Actions

- 3.1 Acquire all sites designated for protection or mitigation where there are willing sellers.
- 3.2 Establish acquisition priorities among protected sites. Highest priority shall be assigned to the following sites:
1. Bertelsen Slough/Stewart Pond complex (Site E2 and buffers)
 2. Spectra Physics complex (Sites C2, C3, C4, C5 and buffers)
 3. Willow Creek complex (Sites H1, H3 and buffers)
 4. North Amazon complex (Sites B1, B4, B5)

Note: The numbers within the parenthesis are wetland identification numbers which were assigned by SRI at the time of wetland delineation. The letter portion of the ID number refers to the geographic subunit of the study area. Refer to Map 3 for the location of each wetland site.

- 3.3 Following acquisition, designate protected wetland sites “Natural Resource” on the Metropolitan Plan diagram.
- 3.4 Develop, adopt and apply natural resource protection measures as follows (complete text of these six proposals are contained in Appendix A).

Natural Resource Zoning District: apply to protected jurisdictional wetland sites following acquisition by managing agency or organization.

Waterside Protection and Development

Ordinance: apply to designated streams, rivers, channels and riparian areas in study area as indicated on Map 3, Wetland Designations.

Upland Development Design: apply to uplands to the south of study area.

Low Impact and Active Public Access: apply to appropriate sites.

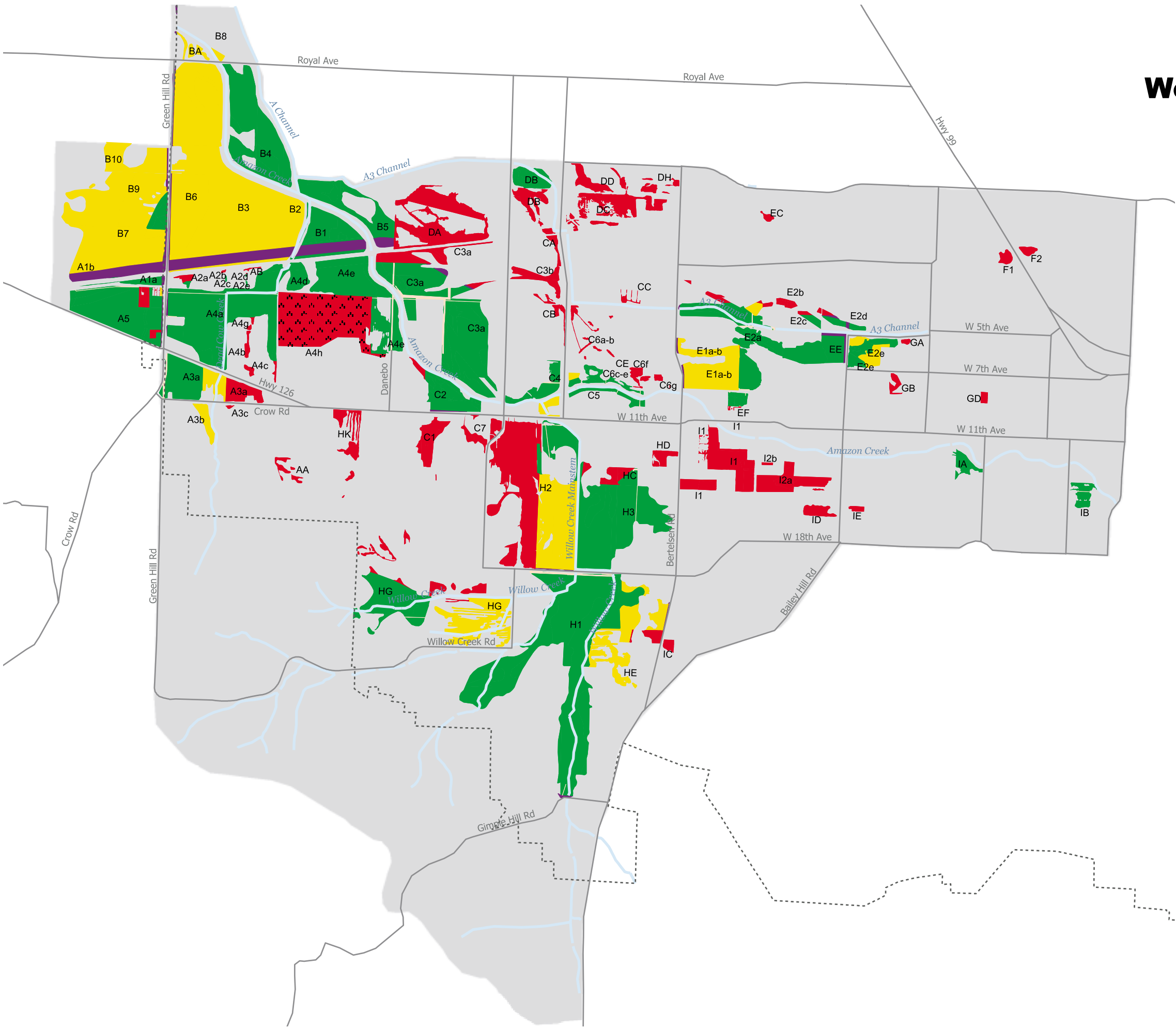
Clean-up, Restoration and Education Policy: apply to all protected areas and sites.

Stormwater Planning Policies: apply to all drainage channels in study area that are identified in the Eugene Areawide Drainage Master Plan.

- 3.5 As an interim measure, develop and apply a “wetland protection overlay zone” to sites identified for protection. To minimize potential impacts to wetland functions and values, require Planned Unit Development or Site Review procedures on all development proposals.
- 3.6 As a medium term interim protection measure and prior to acquisition for conservation and protection, apply design criteria outlined in the Waterside Development Ordinance.
- 3.7 Initiate amendments to the Eugene Code to establish natural resource buffer provisions and building setbacks and apply those provisions to wetland sites inside the (WEWP) study area identified for protection. The primary purpose of buffers and setbacks is to maintain or improve water quality within protected resource sites. Secondary benefits of buffers include creating open space between the resource and adjacent uses, helping to maintain or improve wildlife habitat values and wetland hydrology, and protecting the aesthetic value of the site. Setback distances and buffering requirements should be variable according to the relative value and sensitivity of the site and the severity of impact associated with the adjoining use. Setback and buffer requirements should not prevent building or development of otherwise buildable lots. (See Appendix A)
- 3.8 Develop and apply “best management practices” (BMPs) to construction and development within natural resource buffer setbacks and wetlands. BMPs shall include construction site practices to minimize water quality impacts, noise impacts, disruption of wildlife mating and nesting, to maintain stormwater conveyance capacity, flood control capacity and groundwater discharge and recharge, and to protect wildlife habitat. (See Appendix C for more detailed examples of best management practices).
- 3.9 Amend the existing “obnoxious vegetation ordinance” to exempt protected wetland sites from vegetation cutting requirements.
- 3.10 Strengthen the existing tree preservation and hillside development regulations to protect water quality within the Willow Creek and Amazon Creek watersheds.
- 3.11 Prepare a management plan for rare plants and ecosystems in conjunction with the University of Oregon, Oregon State University, Oregon Department of Agriculture, the Native Plant Society, The Nature Conservancy, the U.S. Fish and Wildlife Service, Environmental Protection Agency, Bureau of Land Management, Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.
- 3.12 Negotiate intergovernmental agreement(s) with the Oregon Division of State Lands, U.S. Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Soils Conservation Service and U.S. EPA to ensure that: (1) those agencies abide by the goals and policies of this plan in all wetland permit decisions, and recognize the WEWP wetland boundaries as the definitive regulated wetland boundaries of west Eugene, and 2) development will not be allowed under Army Corps of Engineers “Nationwide Permits” on sites designated for protection under this plan.
- 3.13 Seek administration of federal and state wetland regulations at the local level by obtaining a Regional Permit from the Army Corps of Engineers and approval of a Wetland Conservation Plan from the Oregon Division of State Lands.
- 3.14 Implement strategic plan for conservation of rare plant and animal habitat in the Plan area including:
 - a. Protection of significant rare species populations
 - b. Allowances for “takes” of small rare plant populations
 - c. Management strategies for recovery of rare species
 - d. Use of conservation easements or acquisition in fee of rare plant habitat, where appropriate, to protect rare plant habitat
 - e. City-sponsored rare plant surveys of privately owned sites with property owner permission conducted by professional botanists during the appropriate times of year to maximize chances of identification
 - f. Determination of threshold population sizes and other characteristics for identifying significant rare plant populations
 - g. City sponsorship of program to transplant and monitor recovery of small populations of rare plants where appropriate
- 3.15 The City shall, in cooperation with affected utility companies and agencies, develop guidelines or interagency agreements regarding conducting routine, essential maintenance and emergency repairs of utility lines that exist within protected wetlands. These guidelines or agreements shall address, at a minimum, the following:
 - a. coordination with property owner
 - b. coordination with City of Eugene
 - c. pre-planning and seasonal timing of maintenance
 - d. specifications for backfill, grading and replanting with native species
 - e. emergency repairs
 - f. new construction
 - g. conducting rare species inventories
 - h. vegetation removal
 - i. identification of appropriate access points

Map 3

Wetlands Designations Map



- Wetland Designation**

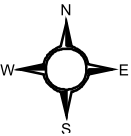
 - Protect** Wetlands to be Protected (areas generally unsuitable for disposal of dredged or fill material).
 - Restore** Wetlands to be enhanced for Mitigation Credit.
 - Develop** Wetlands to be Developed (possible future disposal sites for dredged or fill material).
 - Planned Transportation Corridor**
 - Utility Corridor**
- Other Features**

 - Streams to be Protected**
 - Roads**
 - Berm and Furrow Wetland**
 - Eugene Urban Growth Boundary**
 - Wetland Plan Boundary**

Future fill within the Planned Transportation Corridor designation shall be limited to those areas granted state and/or federal wetland fill permits for the construction of planned public roadway improvements. All other wetlands within these corridors shall be protected.

This map is a generalized map, and should not be used to identify location of wetland boundaries. For wetland boundaries refer to the accepted Wetland Conservation Plan Inventory Map.

City of Eugene Planning and Development Department
Effective Date: August 31, 2002



Map 4 Conceptual Plan

Note: This map reflects a vision for future efforts to improve the quality of the Amazon Creek Basin by protecting, restoring, enhancing and creating wetland resources.

- Wet Prairie Wetland
- Open Water or Emergent Wetland
- Forested Wetland
- Scrub/Shrub Wetland
- Riparian Habitat
- Upland Habitat
- WEW Plan Area
- City Limits
- Urban Growth Boundary

This map is for information only, and is not adopted policy.

